

AN ORDINANCE AS AMENDED

02-0-0104

BY: PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES, CHAPTER 74, ARTICLE IV. NOISE CONTROL, GRANTING AN EXEMPTION TO THE METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY (MARTA) FROM THE EXISTING NOISE ORDINANCE FOR NOISES RESULTING FROM MAINTENANCE OPERATIONS OF THE MARTA RAIL SYSTEM; AND FOR OTHER PURPOSES.

WHEREAS, maintenance, renovation, and new construction activities on the MARTA Rail System are conducted within the MARTA's operating right of ways; and

WHEREAS, much of the MARTA Rail System has been in operation for over 25 years, many of its components have reached the end of its useful service life, hence, they are in need of rehabilitation, renovation or replacement; and

WHEREAS, daytime peak hours traffic volume is significantly high and construction activities will create higher unsafe conditions; hence, the safety of transit customers, equipment, and construction/maintenance workers requires the performance of certain construction and maintenance activities during off-peak night time hours; and

WHEREAS, "single tracking" (A mode of operation where an isolated localized closed track section of the rail system requires trains to move in opposite directions and be alternated on the same track) is only feasible during night-time hours (typically between 9:00 PM to 5:00 AM), and certain weekend days or legal holidays when system utilization is low; and

WHEREAS, maintenance, renovation and construction work on the MARTA Rail System, track ways and adjacent system elements that fall within safety clearance limits of the operating tracks can only be performed when there is no rail vehicle traffic on the tracks (usually this daily operating maintenance schedule is performed at night) between the hours of 2:00 AM and 4:00 AM; and

WHEREAS, construction of improvements, renovations and/or maintenance must be performed without excessive impact to the level of service provided to the traveling public. Rail passenger level of service reduction during the morning, evening and lunchtime rush hours under single-tracking conditions imposes a substantial economic and environmental impact on the community; and

WHEREAS, in the best interests of the community, MARTA does not want to be perceived as being inconsiderate, or causing neighbors a consternation over the activities that must be performed at night.

NOW, THERFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA: That the City Of Atlanta Code Of Ordinances, Chapter 74, Article IV, Section 138, Exemptions, be amended as follows:

SECTION 1

That Chapter 74, Article IV, Section 138 be amended by adding:

- (o) Any temporary noise arising out of maintenance, renovation or construction activities related to the Metropolitan Atlanta Rapid Transit Authority (MARTA) rail system shall be exempt from the provisions of this article. Said exemption will expire seven years after the effective date of this amendment.
 - (1) MARTA will develop and implement procedures by which NPUs affected by planned maintenance activities will be notified prior to the commencement of work.
 - (2) MARTA will develop and implement procedures by which any nuisances created by planned maintenance activities and reported by citizens are forwarded to the Chair of the Public Safety and Legal Administration Committee and the Administration.
 - (3) MARTA will develop and implement procedures by which contractors conducting planned maintenance on the rail system will be monitored so as to ensure that all work is performed in a manner that will result in the creation of the least amount of noise disturbance.

SECTION 2

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.